

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT WILLIAM CREIGHTON,

Petitioner,

v.

TIM PEREZ,

Respondent.

Case No. [15-cv-00943-JD](#)

**ORDER GRANTING MOTION TO
FILE UNDER SEAL**

Re: Dkt. Nos. 12, 14, 15

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent has filed an answer and seeks to file petitioner's Marin County Probation Report under seal.


The Court may order a document filed under seal "upon a request that establishes that the document, or portions thereof are privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as 'sealable'). The request must be narrowly tailored to seek sealing only of sealable material." N. D. Cal. Local Rule 79-5. There is a strong presumption favoring the public's right of access to court records which should be overridden only for a compelling reason. *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995). "Counseling against such access would be the likelihood of an improper use, 'including publication of scandalous, libelous, pornographic, or trade secret materials; infringement of fair trial rights of the defendants or third persons; and residual privacy rights.'" *Valley Broadcasting Co. v. United States District Court*, 798 F.2d 1289, 1294 (9th Cir. 1986) (citation omitted).

In this instance there are compelling reasons to justify sealing the probation report. The sealing of this information will protect details concerning petitioner's family background, medical and psychological condition, history of substance abuse, and other similar information. California law has also found that this information should be sealed. *People v. Connor*, 115 Cal. App. 4th 669, 695 (2004); California Rules of Court 8.45-8.47; California Civil Code section 1798.24. Accordingly, the motion to file the probation report under seal (Docket No. 14) is **GRANTED**.

Respondent's motion for an extension (Docket No. 12) is **GRANTED** and the answer is deemed timely filed. Petitioner's motion for an extension (Docket No. 15) is **GRANTED** and he may file a traverse by November 20, 2015.

IT IS SO ORDERED.

Dated: November 17, 2015



JAMES DONATO
United States District Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT WILLIAM CREIGHTON,
Plaintiff,
v.
TIM PEREZ,
Defendant.

Case No. [15-cv-00943-JD](#)

CERTIFICATE OF SERVICE

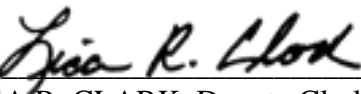
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 17, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert William Creighton
P.O. Box 11
Fairfax, CA 94978

Dated: November 17, 2015

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO